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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 IN RE: TFT-LCD (FLAT PANEL) ANTITRUST
9 LITIGATION

No. M 07-1827 SI

MDL No. 1827

10 This Order Relates to:

11 ALL CASES
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**ORDER DENYING UNITED STATES'
OBJECTIONS TO SPECIAL MASTER'S
AUGUST 24, 2009 REPORT AND
RECOMMENDATION; ADOPTING
REPORT AND RECOMMENDATION**

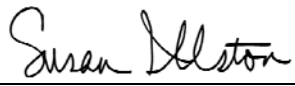
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14 On October 9, 2009, the Court heard argument on the United States' objections to the Special
15 Master's August 24, 2009 Report and Recommendation Re: Toshiba Entities' Motion for Modifications
16 to the Discovery Schedule and Plan. The Court DENIES the United States' objections and hereby
17 ADOPTS the Report and Recommendation. As set forth in the Report and Recommendation, the United
18 States shall be limited to reviewing access only, without the right to copy foreign documents and
19 deposition transcripts of foreign national employees of the Toshiba Entities and AUO, as well as the
20 other non-indicted foreign defendants (such as the Chi Mei defendants and Hannstar Display
21 Corporation). In accordance with the Report and Recommendation, Toshiba and AUO are ordered to
22 immediately produce the overdue foreign discovery and proceed with depositions as anticipated.

23 The Toshiba entities also seek an order prohibiting the Department of Justice from issuing
24 subpoenas for the foreign documents. The Court DENIES that request. If and when the DOJ seeks to
25 enforce existing subpoenas, or issues new subpoenas seeking the foreign documents, the matter will then
26 be ripe for decision. Alternatively, the Toshiba entities seek a stay on foreign discovery. The Court
27 DENIES that request because a stay would be unfair to the civil plaintiffs whose discovery from Toshiba
28 has already been delayed for over a year.

1 Accordingly, the Court DENIES the DOJ's objections (Docket No. 1258) and ADOPTS the
2 Report and Recommendation (Docket No. 1223). The Court also GRANTS the Toshiba Entities'
3 motion for leave to file a response to the direct purchasers plaintiffs' response, and that response shall
4 be considered part of the record. (Docket No. 1315).

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6 **IT IS SO ORDERED.**

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8 Dated: October 20, 2009



SUSAN ILLSTON
United States District Judge